

# STATE OF NEW YORK

1650

2025-2026 Regular Sessions

## IN SENATE

January 13, 2025

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law, the executive law, and the public health law, in relation to providing for supports and services for unaccompanied minors with no lawful immigration status

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 2 of the social services law is amended by adding a  
2 new subdivision 41 to read as follows:

3 41. "Unaccompanied minor" shall mean a child who, prior to release to  
4 a New York resident sponsor, was in the custody of the federal office of  
5 refugee resettlement and:

6 (a) has no lawful immigration status in the United States;

7 (b) had not attained eighteen years of age prior to being taken into  
8 federal custody; and

9 (c) was not accompanied by a parent or legal guardian upon entry to  
10 the United States or was accompanied by a parent or legal guardian but  
11 subsequently separated from that parent or legal guardian upon entry to  
12 the United States.

13 § 2. Article 5 of the social services law is amended by adding a new  
14 title 12-B to read as follows:

### TITLE 12-B

#### SUPPORTS AND SERVICES FOR UNACCOMPANIED MINORS

16 Section 370-f. Supports and services for unaccompanied minors.

17 370-g. Informational materials.

18 § 370-f. Supports and services for unaccompanied minors. 1. Unaccom-  
19 panied minors, as defined under section two of this chapter, shall be  
20 eligible for a range of appropriate services and supports, which shall  
21 be beneficial to the health, safety, and well-being of such minors. Such  
22 services shall include, but not be limited to: health and behavioral  
23 health services covered under paragraph (k) of subdivision two of  
24

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD00074-02-5

1 section twenty-five hundred eleven of the public health law; individual  
2 counseling sessions with social workers; legal services provided under  
3 section three hundred ninety-three-a of this chapter, which shall  
4 include culturally and linguistically appropriate services provided by  
5 attorneys, interpreters, and other support staff for representation in  
6 state court proceedings, federal immigration proceedings, and any  
7 appeals arising from such proceedings; language services; employment  
8 assistance; bilingual support groups; and assistance with educational  
9 rights and enrollment in public schools. Such support and services shall  
10 not be deemed public benefits that would affect an unaccompanied minor's  
11 immigration status under 8 USC 1182, as amended, and any regulations  
12 promulgated thereunder.

13 2. Such services and supports shall be identified by an immigration  
14 services liaison under section ninety-four-b of the executive law, which  
15 shall, to the extent practicable, connect each unaccompanied minor with  
16 resources in order to access such supports and services identified in  
17 subdivision one of this section. The immigration services liaison shall  
18 connect with unaccompanied minors prior to release to a sponsor deter-  
19 mined to be appropriate by the federal office of refugee resettlement,  
20 to the extent practicable, but no later than upon referral pursuant to  
21 section three hundred seventy-four-g or three hundred ninety-three-b of  
22 this chapter.

23 3. Any individual or program providing such services and supports or  
24 otherwise providing assistance to the unaccompanied minor shall ensure  
25 they receive trauma informed training as well as training on how to  
26 identify and appropriately react to unaccompanied minors who may have  
27 experienced adverse childhood experiences. In addition, any services,  
28 supports or assistance shall be provided in a culturally competent  
29 manner.

30 § 370-g. Informational materials. 1. The office of children and family  
31 services, in consultation with the office of mental health and the  
32 office for new Americans, shall develop informational materials for  
33 authorized agencies, as defined in paragraph (a) of subdivision ten of  
34 section three hundred seventy-one of this chapter and out of state care  
35 providers. Such informational materials shall include contact informa-  
36 tion for immigration services liaisons, as well as a general description  
37 of the benefits unaccompanied minors as defined in section two of this  
38 chapter are eligible for, pursuant to subdivision one of section three  
39 hundred seventy-f of this title.

40 2. The informational materials shall be made available in English and  
41 the six most common non-English languages spoken by individuals with  
42 limited-English proficiency in the state of New York, based on United  
43 States census data, and shall be published on the office of children and  
44 family services, the office of mental health and the office for new  
45 Americans' websites.

46 § 3. The social services law is amended by adding a new section 393-a  
47 to read as follows:

48 § 393-a. Legal representation of unaccompanied minors. 1. An unaccom-  
49 panied minor, as defined in section two of this chapter, or minor in the  
50 custody of the federal office of refugee resettlement while in the care  
51 of an authorized agency, as defined in paragraph (a) of subdivision ten  
52 of section three hundred seventy-one of this article, who is present in  
53 this state and against whom an immigration proceeding may be or has been  
54 commenced shall be entitled to representation by counsel through the  
55 completion of such proceeding, including appeals and/or obtaining status  
56 and other related assistance, pursuant to section ninety-four-d of the

1 executive law, including interpretation or translation services pursuant  
2 to subdivision five of this section.

3 2. Representation and related assistance provided in accordance with  
4 this section shall be a state charge, pursuant to section ninety-four-d  
5 of the executive law.

6 3. (a) Upon receipt from a federal immigration authority of a civil  
7 immigration detainer, or a request for transfer, notification, inter-  
8 view, interrogation or other request, an authorized agency, or agent  
9 thereof, shall provide to the child, who is the subject of such detainer  
10 or request, such child's sponsor, if sponsored, and such child's coun-  
11 sel, if represented:

12 (i) notification of such detainer or request;

13 (ii) a copy of such detainer or request;

14 (iii) notice regarding such child's right to counsel pursuant to this  
15 section if such child is without counsel at the time of such detainer or  
16 request; and

17 (iv) information as to whether or not such agency intends to comply  
18 with such detainer or request.

19 (b) If such child is under the age of five at the time such detainer  
20 or request is received, such information required pursuant to paragraph  
21 (a) of this subdivision shall only be provided to such child's sponsor,  
22 if sponsored, and such child's counsel, if represented.

23 4. Notwithstanding the provisions of subdivision one of this section,  
24 a child in the care of an authorized agency may request to be inter-  
25 viewed by a federal law enforcement agency or an agent thereof only with  
26 written authorization by such child's counsel, provided that if such  
27 child is not represented and is entitled to counsel pursuant to this  
28 section, the child shall be notified of such right and provided a  
29 reasonable opportunity to obtain such counsel before any such interview.

30 5. In addition to any other right to the assistance of interpretation  
31 or translation services, any foreign-born child, or child not proficient  
32 in the English language, to whom inquiry is made pursuant to this  
33 section shall be entitled to the assistance of a neutral and qualified  
34 interpreter or translator, as the case may be, with respect to such  
35 inquiry, provided at no cost or expense to such child.

36 6. This section shall supersede conflicting local laws, rules, poli-  
37 cies, procedures and practices, except to the extent that the provisions  
38 of any such local law, rule, policy or any such procedure or practice  
39 may provide any additional or greater right or protection. Nothing in  
40 this section shall prohibit any authorized agency from cooperating with  
41 a federal immigration authority to the extent required by federal law.  
42 Nothing in this section shall be interpreted or applied so as to create  
43 any power, duty or obligation in conflict with federal law.

44 § 4. Paragraphs (m) and (n) of subdivision 5 of section 94-b of the  
45 executive law, as added by chapter 206 of the laws of 2014, are amended  
46 and a new paragraph (o) is added to read as follows:

47 (m) Encourage and assist local governments in the development of  
48 activities to enhance civic engagement among immigrants and in immigrant  
49 communities; ~~and~~

50 (n) Beginning in two thousand fifteen, by June fifteenth of each year,  
51 produce a report to the governor, the speaker of the assembly, and the  
52 temporary president of the senate describing the activities of the  
53 office, including but not limited to, summarizing calls received through  
54 the hotline and website, information on ESOL training services provided  
55 by the office, the number of immigrants assisted through the opportunity

1 centers, or an estimation thereof, the status of any workforce develop-  
2 ment programs, and any other relevant information[-]; and

3 (o) Establish an immigration services liaison to assist unaccompanied  
4 minors as defined in section two of the social services law, in order to  
5 access appropriate supports and services for such minors. The office may  
6 work in conjunction with the office of temporary and disability assist-  
7 ance, the office of children and family services and the office of  
8 mental health in order to effectuate their duties under this provision.

9 § 5. Paragraphs (o) and (p) of subdivision 5 of section 94-b of the  
10 executive law, as added by chapter 625 of the laws of 2024, are amended  
11 and a new paragraph (q) is added to read as follows:

12 (o) Encourage the development of and provide for the establishment of  
13 a state military immigrant family legacy program liaison, as provided in  
14 section twenty-nine-b of the veterans' services law; [and]

15 (p) Request individuals seeking assistance from the office answer the  
16 following questions: "Have you served in the United States military?"  
17 "Has someone in your family served in the United States military?"  
18 Individuals identifying themselves or a family member as "intended  
19 recipients" of the staff sergeant Alex R. Jimenez New York state mili-  
20 tary immigrant family legacy program as such term is defined in para-  
21 graph (e) of subdivision one of section twenty-nine-b of the veterans'  
22 services law, shall be advised of such program. In addition, such indi-  
23 viduals shall be informed that the department of veterans' services and  
24 local veterans' service agencies established pursuant to section seven-  
25 teen of the veterans' services law provide assistance to uniformed  
26 service members, veterans and their families regarding benefits avail-  
27 able under federal and state law. Information regarding veterans and  
28 military status provided by assisted individuals shall be protected as  
29 personal confidential material, and used only to identify such individ-  
30 uals as "intended recipients" of the staff sergeant Alex R. Jimenez New  
31 York State military immigrant family legacy program, and to assist such  
32 individuals in matters relating to immigration status and citizenship,  
33 and in referring such individuals to the department of veterans'  
34 services or local veterans' service agencies for information and assist-  
35 ance with regard to benefits and entitlements under federal and state  
36 law[-]; and

37 (q) Establish an immigration services liaison to assist unaccompanied  
38 minors as defined in section two of the social services law, in order to  
39 access appropriate supports and services for such minors. The office may  
40 work in conjunction with the office of temporary and disability assist-  
41 ance, the office of children and family services and the office of  
42 mental health in order to effectuate their duties under this provision.

43 § 6. The social services law is amended by adding a new section 374-g  
44 to read as follows:

45 § 374-g. Unaccompanied minors released by authorized agencies. 1.  
46 Every authorized agency as defined in paragraph (a) of subdivision ten  
47 of section three hundred seventy-one of this title, that releases an  
48 unaccompanied minor, as defined in section two of this chapter, in New  
49 York to a sponsor that is a New York resident, and deemed to be appro-  
50 priate by the federal office of refugee resettlement, shall provide the  
51 unaccompanied minor and their sponsor with: (a) direct referrals to  
52 immigration services liaisons under section ninety-four-b of the execu-  
53 tive law; (b) informational materials developed by the office of chil-  
54 dren and family services, informing them of available supports and  
55 services the unaccompanied minor is eligible for upon release into New  
56 York as defined in section three hundred seventy-f of this chapter; and

1 (c) notification of such minor's right to counsel under section three  
2 hundred ninety-four of this title.

3 2. Such informational materials shall be provided to both the unaccom-  
4 panied minor and the sponsor, unless such unaccompanied minor is under  
5 the age of five, in which case such informational materials may be  
6 provided solely to the sponsor.

7 § 7. The social services law is amended by adding a new section 393-b  
8 to read as follows:

9 § 393-b. Unaccompanied minors released by out of state care providers.

10 1. Every out of state care provider that releases an unaccompanied  
11 minor, as defined in section two of this chapter, in New York to a spon-  
12 sor that is a New York resident, and deemed to be appropriate by the  
13 federal office of refugee resettlement, shall provide the unaccompanied  
14 minor and their sponsor with: (a) direct referrals to an immigration  
15 services liaison under section ninety-four-b of the executive law; (b)  
16 informational materials developed by the office of children and family  
17 services, informing them of available supports and services the unaccom-  
18 panied minor is eligible for upon release into New York as defined in  
19 section three hundred seventy-f of this chapter; and (c) notification of  
20 such minor's right to counsel under section three hundred ninety-three-a  
21 of this title.

22 2. Such informational materials shall be provided to both the unaccom-  
23 panied minor and the sponsor, unless such unaccompanied minor is under  
24 the age of five, in which case such informational materials may be  
25 provided solely to the sponsor.

26 § 8. Subdivision 2 of section 2511 of the public health law is amended  
27 by adding a new paragraph (k) to read as follows:

28 (k) Where an applicant for a subsidy payment pursuant to subdivision  
29 three of this section is an unaccompanied minor as defined in section  
30 two of the social services law, such unaccompanied minor shall be eligi-  
31 ble for such subsidy.

32 § 9. Subdivision 7 of section 2510 of the public health law, as  
33 amended by section 1 of part DDD of chapter 56 of the laws of 2022, is  
34 amended to read as follows:

35 7. "Covered health care services" means: the services of physicians,  
36 optometrists, nurses, nurse practitioners, midwives and other related  
37 professional personnel which are provided on an outpatient basis,  
38 including routine well-child visits; diagnosis and treatment of illness  
39 and injury; inpatient health care services; laboratory tests; diagnostic  
40 x-rays; prescription and non-prescription drugs, ostomy and other  
41 medical supplies and durable medical equipment; radiation therapy;  
42 chemotherapy; hemodialysis; outpatient blood clotting factor products  
43 and other treatments and services furnished in connection with the care  
44 of hemophilia and other blood clotting protein deficiencies; emergency  
45 room services; ambulance services; hospice services; emergency, preven-  
46 tive and routine dental care, including orthodontia but excluding  
47 cosmetic surgery; emergency, preventive and routine vision care, includ-  
48 ing eyeglasses; speech and hearing services; inpatient and outpatient  
49 mental health, alcohol and substance abuse services, including children  
50 and family treatment and support services, children's home and community  
51 based services, assertive community treatment services and residential  
52 rehabilitation for youth services which shall be reimbursed in accord-  
53 ance with the ambulatory patient group (APG) rate-setting methodology as  
54 utilized by the department of health, the office of addiction services  
55 and supports, or the office of mental health for rate-setting purposes  
56 or any such other fees established pursuant to article forty-three of

1 the mental hygiene law; and health-related services provided by volun-  
2 tary foster care agency health facilities licensed pursuant to article  
3 twenty-nine-I of this chapter; as defined by the commissioner. For unac-  
4 companied minors, as such term is defined by section two of the social  
5 services law, covered health care services shall also include: (a) chil-  
6 dren's mental health rehabilitation services including, but not limited  
7 to, those added to the Medicaid state plan in January of two thousand  
8 nineteen, other licensed practitioner services, community psychiatric  
9 support and treatment services, and psychosocial rehabilitation  
10 services, assuming such children's mental health rehabilitation services  
11 are provided by individuals acting within their lawful scope of practice  
12 as established under the education law; and (b) trauma informed care  
13 that includes the identification of and appropriate reaction and treat-  
14 ment to adverse childhood experiences. "Covered health care services"  
15 shall not include drugs, procedures and supplies for the treatment of  
16 erectile dysfunction when provided to, or prescribed for use by, a  
17 person who is required to register as a sex offender pursuant to article  
18 six-C of the correction law, provided that any denial of coverage of  
19 such drugs, procedures or supplies shall provide the patient with the  
20 means of obtaining additional information concerning both the denial and  
21 the means of challenging such denial.

22 § 10. The executive law is amended by adding a new section 94-e to  
23 read as follows:

24 § 94-e. Representation for unaccompanied minors. 1. The office for new  
25 Americans, in consultation with the office of court administration and  
26 indigent legal services, shall be responsible for facilitating access to  
27 representation and related assistance in immigration-related matters  
28 provided pursuant to section three hundred ninety-three-a of the social  
29 services law. Any services provided shall be compensated in accordance  
30 with this section. The office may enter into an agreement with a legal  
31 aid society or other not-for-profit organization with appropriate exper-  
32 tise and experience in immigration-related matters for the society or  
33 organization to provide such representation and related services. The  
34 agreement shall be in a form approved by the director of the office for  
35 new Americans and shall provide a general plan for a program of services  
36 to be provided by such society or organization.

37 2. All expenses for services provided under this section shall be a  
38 state charge to be paid out of funds appropriated to the office for that  
39 purpose. Counsel utilized hereunder shall receive compensation at an  
40 hourly rate for time expended in court and for time reasonably expended  
41 out of court, and shall receive payment for expenses reasonably  
42 incurred. The director of the office for new Americans shall establish  
43 rules and regulations regarding reasonable compensation and reimburse-  
44 ment for other services provided. No counsel or other service provider  
45 utilized pursuant to this section shall seek or accept any fee for  
46 representing such person.

47 § 11. Severability. If any clause, sentence, paragraph, section or  
48 part of this act shall be adjudged by any court of competent jurisdic-  
49 tion to be invalid and after exhaustion of all further judicial review,  
50 the judgment shall not affect, impair or invalidate the remainder there-  
51 of, but shall be confined in its operation to the clause, sentence,  
52 paragraph, section or part of this act directly involved in the contro-  
53 versy in which the judgment shall have been rendered.

54 § 12. This act shall take effect immediately; provided, however,  
55 sections one, two, four, six, seven, eight, nine, and ten of this act  
56 shall take effect on the sixtieth day after it shall have become a law;

1 and provided, further, that section five of this act shall take effect  
2 on the same date and in the same manner as section 4 of chapter 625 of  
3 the laws of 2024, takes effect.